

REMARKS

In accordance with the foregoing, claims 11 and 12 have been cancelled without prejudice or disclaimer and claim 1 has been amended. Thus, claims 1-9 and 13-37 are pending and under consideration. No new matter is included in this amendment.

The 35 U.S.C. §102(e) Rejection:

At page 2 of the Office Action, claims 1-9, 11 and 13-14 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,287,726 to Ohta et al. Claim 11 has been cancelled without prejudice or disclaimer, thus the rejection of claim 11 is moot. Claim 1 have been amended as set forth above to distinguish Ohta et al. Ohta et al. does not disclose an active material for a battery having the combination of features recited in claim 1, as presently amended. Claims 1-9, 13 and 14 are deemed to be patentable at least for similar reasons set forth regarding amended claim 1. The amendment to claim 1 includes only the features of claim 12 which the Examiner deemed to be allowable. Claims 2-9, 13 and 14 are deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Allowable Subject Matter:

At pages 2 - 3 of the Office Action, the Examiner indicates that claims 15-37 are allowed. In the Office Action mailed October 28, 2005, the Examiner indicated that claim 12 was objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 12 has been cancelled without prejudice or disclaimer and the features of allowable claim 12 incorporated into claim 1. Amended claim 1 includes only the features of claim 11 as related to a "material that can reversibly intercalate/deintercalate lithium ions."

Conclusion:

It is respectfully requested this amendment be entered. It is submitted that this amendment should place the application in condition for allowance. If not, it is respectfully requested that the amendment be entered at least for purposes of appeal.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

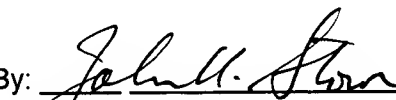
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 2/28/06

By: 
John H. Stowe
Registration No. 32,863

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510